
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

GUY M. DOMAI,

Plaintiff,

v.

UNIVERSITY OF UTAH; DAVID W.
PERSHING; MELISSA BERNSTEIN; and
HIRAM CHODOSH,,

Defendants.

**MEMORANDUM DECISION AND
ORDER DENNYING [21] MOTION TO
STAY AND ADOPTING [15] REPORT
AND RECOMMENDATION**

Case No. 2:16-cv-00196

District Judge David Nuffer
Magistrate Judge Evelyn J. Furse

The Report and Recommendation¹ issued by United States Magistrate Judge Evelyn J. Furse on July 10, 2017 recommends the dismissal of Mr. Domai's claims against the University of Utah Defendants for lack of subject matter jurisdiction because Mr. Domai's defamation claim does not state a claim against the University of Utah Defendants under § 1983 or any other federal cause of action, and the parties lack complete diversity of citizenship.

The parties were notified of their right to file objections to the Report and Recommendation within 14 days of its service pursuant to [28 U.S.C. § 636](#) and [Fed. R. Civ. P. 72](#). A copy of the Report and Recommendation was mailed to Plaintiff and returned as undeliverable.² Plaintiff filed a notice of change of address on September 5, 2017.³ He then filed

¹ Report and Recommendations, [docket no. 15](#), filed July 10, 2017.

² Mail Returned as Undeliverable and Unable to Forward, [docket no. 18](#), filed July 21, 2017.

³ Notice of Change of Address, [docket no. 19](#), filed September 5, 2017.

a Motion to Stay Proceedings,⁴ in which he indicated that he had received a copy of the Report and Recommendations and intended to file an objection.⁵

14 days have passed since Mr. Domai filed his motion to stay to stay proceedings and no opposition to that motion has been filed. Despite that lack of opposition, that motion will be denied. DUCivR 83-1.3 requires pro se parties to notify the clerk's office immediately of any change in address, e-mail address, or telephone number. Mr. Domai failed to abide by this requirement. This case will not be stayed in any manner due to Mr. Domai's failure to abide by his responsibilities as a pro se litigant.

More importantly, 14 days have passed received his copy of the Report and Recommendation without the filing of a written objection. In light of this failure to file a written objection to the Report and Recommendation as provided by court rules, and the recent designation of Mr. Domai as a restricted filer,⁶ the analysis and conclusion of the Magistrate Judge are accepted and the Report and Recommendation⁷ is adopted in its entirety.

⁴ Motion to Stay Proceedings, [docket no. 21](#), filed September 7, 2017.

⁵ Mr. Domai also filed an intent to amend complaint. *See* Notice of Intent to Amend Complaint, [docket no. 20](#), filed September 7, 2017. It is unclear if this is the objection to which Mr. Domai refers to in his Motion to Stay Proceedings. If it was intended to serve as the objection, it is entirely unresponsive to analysis provided in the Report and Recommendation, and will not be considered as an objection.

⁶ Order Adopting Report and Recommendation, Domai v. Tom Parker, No 2:17-cv-00462-JNP, (D. Utah Aug. 28, 2017).

⁷ Report and Recommendations, [docket no. 15](#), filed July 10, 2017.

ORDER

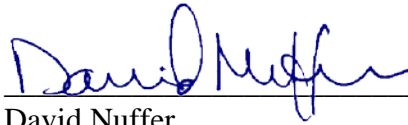
IT IS HEREBY ORDERED that Mr. Domai's Motion to Stay Proceedings⁸ is DENIED.

IT IS FURTHER ORDERED that the Report and Recommendation⁹ is ADOPTED and this case is DISMISSED without prejudice. All other pending motions are MOOT.

The Clerk shall close the case.

Signed September 25, 2017.

BY THE COURT



David Nuffer
United States District Judge

⁸ Motion to Stay Proceedings, [docket no. 21](#), filed September 7, 2017.

⁹ Report and Recommendations, [docket no. 15](#), filed July 10, 2017.